



W.P.(MD)No.20628 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.20628 of 2018

and

W.M.P.(MD)Nos.18382, 18383 of 2018 & 2537 of 2019

S.Susairaj

: Petitioner

Vs.

1.The Director of Municipal Administration,
Chepauk,
Chennai – 5.

2.The Director of Local Fund Audit,
Integrated Complex for Finance Department,
Animal Husbandry Hospital Complex,
Teynampet,
Chennai.

3.The Commissioner,
Virudhunagar Municipality,
Virudhunagar.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the



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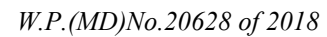
records in pursuant to the impugned order issued by the third respondent in proceedings Na.Ka.No.C1/8745/2017 dated 27.08.2018 and quash the same and consequently direct the respondents to restore the original pay fixed as per G.O.Ms.No.338 Finance (Pay Cell) Department dated 26.08.2010 with all consequential service and monetary benefits.

For Petitioner : Ms.M.Padmavathy
For Respondents 1&2 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For Respondent No.3 : Mr.M.Muthugeethayan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned recovery order dated 27.08.2018 issued by the third respondent seeking to recover the alleged excess payments made.

2.The petitioner has challenged the impugned order on the ground that no excess payments were made to him as claimed by the respondents in the impugned order and therefore, the recovery order is bad in law and is not enforceable.



4. This Court is of the considered view that by total non-application of mind to the said fact, the impugned recovery order has been issued to the petitioner as no excess payments were made earlier by the respondents to the petitioner. Accordingly, the impugned recovery order dated 27.08.2018 is hereby quashed.



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5. Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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ABDUL QUDDHOSE, J.

MR

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